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EXAMINER

DUCHENEAUX, FRANK D

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

The applicants have canceled claim 6 and amended claim 1 to include all the limitations of claim 6. In addition, the applicants have further amended claim 1 to include the further limitation of a prepreg layer laminated on at least one whole surface of the center layer. The applicants have also amended the specification in response to overcome the examiner's objection to the drawings in the previous action. The amendments have been fully considered, but are not entered for the reasons set forth below.

The amendments have not been entered given that the current claims have been amended to include a "...prepreg layer laminated on at least one whole surface..." and have thus altered the scope of the invention, thereby requiring further consideration and a new search for relevant art. Also, the amendment is not being entered because it raises new issues that would require further consideration under 35 U.S.C. 112, 1st paragraph given that the amended claim recites "...a prepreg layer laminated on at least one whole surface...", which is not supported by the specification as originally filed. Even if the amendments were entered, the amendments, in tandem with the arguments set forth on pages 12-14 of the applicants' response filed 3/5/2010, would not be persuasive and the amended claims would not be allowable over the prior art of record for the following reasons.

The applicants argue that the Sakai reference teaches that it is unfavorable to prepare the whole molded article with such resin and fibrous reinforcement (column 1, lines 59-63) and

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further teaches that Sakai intends to have for a prepreg on only a portion of a plate material (column 5, lines 15-36). On page 14 of the current response, the applicants have acknowledged the inclusion of the “whole” limitation into the amended claim 1 to lend support to the current arguments.

The examiner respectfully disagrees with the applicant's characterization of those portions of the Sakai reference in column 1, lines 59-63 in that said portions of the reference are contained within the background and are not a part of referenced invention. In addition, it is also noted that the “unfavorable” aspects of which Sakai teaches is directed to prior materials used to solve similar problems, said prior materials being unfavorable in terms of cost. The examiner notes that those portions of the Sakai reference to which the applicants have referred (column 5, lines 15-36) were not included in the prior art rejections of the previous action. In addition, the applicants' attention is directed to, for example, column 5, lines 37-42, wherein Sakai merely discloses that the prepreg is located where the molded article is liable to deform, which could clearly be an entire surface of an upper and/or lower surface of a molded article and such a distinction would have been obvious to one of ordinary skill in the art.

The applicants also argue that the combination of the Sakai and Hsiao reference is improper given that the Hsiao reference is directed towards prepregs that encompass a honeycomb core with the intention of preventing core-crush, and that a combination of the Sakai and Hsiao references would require substantial reconstruction of both references as well as a change in the basic principle of one reference with respect to the other.

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The examiner notes that both the Sakai and Hsiao reference are directed to inventions wherein, the substance of the invention revolves around impregnation of fiber reinforced prepregs and as such, the two references would have commended themselves to each other towards either remedying the deficiencies of the others. In addition, it is noted that, while Hsiao et al. does not disclose all the features of the present claimed invention, Hsiao is used as teaching reference, and therefore, it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather this reference teaches a certain concept, namely a resin impregnated fabric, wherein the fabric comprises continuous filaments and fibers interwoven into strands, and in combination with the primary reference, discloses the presently claimed invention.

Further, it is noted that the "test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference... Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art", *In re Keller*, 642 F.2d 413, 208 USPQ 871, 881 (CCPA 1981) and that "combining the teachings of references does not involve an ability to combine their specific structures", *In re Nievelt*, 482 F.2d 965, 179 USP 224, 226 (CCPA).

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